THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10168 of 2007

Dated: 10-07-2007

Between:

E.Manohar Naidu and another.

..... PETITIONERS

AND

The Mandal Revenue Officer (Tahsildar), Tirupathi, Chittoor.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

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ORDER:

The petitioners are the sons of one Munirathnam Naidu, who allegedly purchased land admeasuring Acs.2.00 in survey No.516 situated at Pidipatla Village, Tirupathi Rural Mandal, Chittoor District, from the assignees. When the assignment was cancelled, considering his application, the father of the petitioners-Munirathnam Naidu was allowed to retain the land as per Section 3(5) of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (the Act, for brevity). After death of their father, the petitioners are enjoying the land. The respondent herein issued impugned notice dated 23.04.2007 calling upon the petitioners to submit explanation as to why assignment should not be cancelled and the land resumed to the Government for providing house sites to the poor and downtrodden people. The petitioners submitted explanation and the respondent is yet to pass orders. In the meanwhile, alleging that the issue of notice to them proposing to resume the land and informing that they will be paid *ex-gratia* in accordance with G.O.Ms.No.1307, dated 23.12.1983, as illegal and arbitrary, the petitioners filed instant writ petition.

The learned counsel for the petitioners placed strong reliance on the decision of the seven learned Judges of this Court in **LAO-cum-RDO v. Mekala Pandu**[1]. He submits that even when the land is assigned for public purpose, the assignees are entitled for compensation as per the principles laid down in the Land Acquisition Act, 1894. Therefore, the learned counsel submits that the impugned notice is illegal and arbitrary. After getting instructions, the learned Assistant Government Pleader for Revenue does not dispute that the matter is pending with the respondent. Therefore, it is not proper for this Court to express any opinion on the contention raised by the learned counsel for the petitioners. However, this Court observes that while passing the orders the respondent should keep in mind the principles laid down by this Court in **P. Mallaiah v. Government of A.P.**[2].

The writ petition, with the above observations, is accordingly disposed of. No costs.

(**V.V.S.RAO, J**)

10th July, 2007

ghn

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[1] 2004(2) ALT 546 (L.B.) = 2004(2) ALD 451 (L.B.)

[2] 2006(3) ALD 148 = 2006(2) ALT 742